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EXAMINER

ONLIAKU, C

ART UNIT

PAPER NUMBER

2615

DATE MAILED:

03/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/102,149

Applicant(s)

Okada

Examiner  
Christopher Onuaku

Group Art Unit  
2615

☒ Responsive to communication(s) filed on Dec 26, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-15 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-15 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Dec 26, 2000 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,3-6,11-12&15 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuen et al (US 5,488,409).

Regarding claim 1, Yuen et al disclose in Fig.1 apparatus and method for facilitating and monitoring the management, storage and retrieval of programs on a cassette tape, comprising:

- a) a receiving means for receiving broadcast video image data ( see antenna 63 and tuner 61 or cable TV signal source 64; col.7, lines 39-45);
- b) a "first" storage unit for storing received broadcast video image data(see cassette 40 of the VCR-1; col.5, lines 23-67; col.12, line 44 to col.13, line 65-20);

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c) a "second" storage unit storing an indicated video image data in the stored received broadcast image data of the first storage unit ( see RAM 33; col.37, line 66 to col.39, line 6);

d) a control means controlling the first storage unit so as to store the received broadcast video image, searching and reading the indicated video image data from the first storage unit , and storing the indicated video image data in the second storage unit ( see microprocessor controller 31 and the VCR control logic circuit 21; and at least col.5, lines 40-52; col.6, lines 1-50; col.7, line 39 to col.8, line 28; col.18, line 12-26; and col.25, line 63 to col.27, line 25).

Regarding claim 3, Yuen discloses wherein the first storage unit stores broadcast video image data in a plurality of channels ( see at least col.7, lines 3-6; col.9, lines 27-32 and col.30, line 41 to col.31, line 47), here broadcast video signals are received for recording and reproducing from cable and television channels.

Regarding claims 4&5, Yuen discloses indicating means for indicating the video image data to be played back, wherein the indicating means includes means for being operated by a user ( see PLUSCODE.TM. number; and the remote controller; col.15, lines 15-35; col.29, lines 34-55; and col.30, line 66 to col.32, line 29).

Regarding claim 6, Yuen discloses wherein the indicating means comprises means for determining the video image data to be played back from a list of information indicative of how

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video image data has been recorded by a user ( see menu, col.14, line 50 to col.15, line 15; and col.37, line 19 to col.39, line 17).

Regarding claim 11, Yuen discloses wherein the second storage unit ( i.e., RAM 33 of Fig.1) comprises a disk storage unit (see col.15, lines 16-23 and col.21, lines 61-65).

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claim 1 above, including random access storage unit ( see RI tapes and col.13, lines 34-44).

Regarding claim 15, Yuen discloses

a) wherein the control means unit has a storage management table for storing storage addresses of each broadcast image data stored in the random-access storage unit(see the guide menu which contains the title and descriptions of the video section and VBI contains locations of each cell of the grid and the start address and end address for the corresponding video sections, Table IV which shows information contained in the VBI; col.22, lines 36-56; col.37, lines 19-49; and BVI decoder in the indexing VCR 10 continuously decodes the channel specific guide from the VBI and stores it in the RAB 33); and

b) wherein the control unit searches the indicated video image data by referencing the storage management table ( see col.37, line 66 to col.39, line 66 and specifically col.38, lines 39)..

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*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7,8&9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen '409 in view of Yuen et al ( US 5,335,079).

Regarding claim 7, Yuen '409 fails to explicitly disclose wherein the indicating means comprises means for determining video image data which is recorded with highest probability in the list as the video image data to be played back. Yuen '079 teaches the timer preprogramming feature of video cassette recorders (VCRs) and to an apparatus and method for using encoded information to shorten the time required to perform timer preprogramming wherein in performing timer preprogramming, the channel, date, time and length of a program are prioritized in order to determine the proper ordering of programs. For example, in channel prioritization, most frequently used channels have a low priority number ( see col.9, line 24 to col.11, line 22). It would have been obvious to one of ordinary skill in the art to modify Yuen '409 by applying the principle of prioritizing programs, as taught by Yuen '079, in order, for example, to determine the proper ordering of programs. With Yuen '409 modified with Yuen '079, it would have obvious to apply the prioritizing principle in the program list in the menu of Yuen '409 in order to determine the proper ordering of programs in the menu.

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Regarding claims 8&9, Yuen '409 further fails to disclose wherein the indicating means comprises means for updating the list and placing video image data which has been recorded most recently in a location of highest priority in the list. Yuen '079 further teaches a stack memory 76, wherein if a first program is entered, it is placed at the top location of the stack memory. If there are already programs in the stack memory, the newly entered program will first be provisionally placed at the bottom of the stack memory. The stack memory will then be sorted into the correct temporal order so that the earliest program in time will appear in the top location and the last program in time will be at the bottom ( see col.18, lines 11-65). Placing the newest recorded image data at the top location in a storage means with the highest priority, during storage means update operation, would, for example, serve as a reminder to the user that the video image at the top of the list is the most current video image. It would have been obvious to further modify Yuen '409 by realizing Yuen '409 with the means to place the most recently recorded data, during storing update, at the top location of the storing means with the highest priority, as taught by Yuen, in order, for example, to serve as a reminder to the user that the video image at the top of the list is the most current video image.

With Yuen '409 now modified with Yuen '079, it would have been obvious to place the most recently recorded video image data at the top of the list with the highest priority, when updating the list, which would, for example, serve as a reminder to the user that the video image at the top of the list is the most current video image.

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6. Claims 2,10,13&14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al 5,488,409.

Regarding claim 2, Yuen discloses storing broadcast video image data according to an FIFO sequence (see col.32, lines 30-67). Yuen fails to explicitly disclose wherein the first storage unit ( see video tape cassette 40; col.5, line 23-38) stores broadcast video image data according to an FIFO. However, it would have been to obvious apply the FIFO sequence to the first storage unit as an alternative storage method, for example.

Regarding claim 10, Yuen discloses wherein storage units comprise disk storage unit (see claim 11 discussions above). Yuen fails to explicitly disclose wherein the first storage unit comprises a disk storage unit. However, it would have been to replace the tape storage unit (i.e., video tape cassette 40 of Fig.1, claimed first storage unit) of Yuen with disk storage unit, in order to provide an alternative storage means, for example.

Regarding claim 13, the claimed limitations of claim 13 are accommodated n the discussions of claim 2 above.

Regarding claim 14, the claimed limitations of claim 14 are accommodated n the discussions of claim 10 above.



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7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

**or faxed to:**

(703) 308-6306 and (703) 308-6296, (for formal communications intended for entry)

**Or:**


(703) 308-6306 and (703) 308-6296 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be direct to the Group receptionist whose telephone is (703) 305-4700.

  
COO

2/20/01.

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600